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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,781	07/25/2001	Jean Louis Calvignac	RAL920010025US1	5146

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EXAMINER	
MAIS, MARK A	
ART UNIT	PAPER NUMBER
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/912,781	CALVIGNAC ET AL.	
	Examiner	Art Unit	
	Mark A. Mais	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment dated January 5, 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al. in view of Dockser (USP 5,860,119).

3. With regard to claim 21, Brewer et al. discloses a system for transmitting multiple data frames to deep packet processing functions in a given sequence, performing the deep packet processing *of data in* the frames **[frame data is interpreted as any data in the frame whether in the frame header or the frame payload]**, and forwarding the processed frames to their destination in the same given sequence, comprising

a) an input buffer for receiving frames for processing, having a buffer capacity of at least twice the size of the largest frame size, said buffer incorporated into a Data Moving Unit **[Packet Forwarding Engines 13 inspect the packet headers and performs a filtering function on the packets by destination, whether local or external, col. 3, lines 38-47; Packet Forwarding**

Engine 13 handles either 2 less-than-200 byte inputs from queues 102 or 1 greater-than-200 byte input from queue 103, col. 4, lines 14-18, and col. 4, line 45 to col. 5, line 14];

b) a Frame Header Processing Unit for determining the type of deep packet processing operation to be performed on each frame **[Packet Forwarding Engines 13 inspect the packet headers and performs a filtering function on the packets by destination, whether local or external, col. 3, lines 38-47]**;

c) a plurality of processing core engines wherein each core engine has its own deep packet processing operation to be conducted on a frame, and an associated memory for storing a frame assigned to the engine until the engine is free to perform a deep packet processing operation on the frame data **[Packet Forwarding Engines 13 inspect the packet headers and performs a filtering function on the packets by destination, whether local or external, col. 3, lines 38-47; after Packet Forwarding Engines 13-0 through 13-3 inspect the packet headers, they can also determine if the packet is intended as a local destination within the router and, accordingly, send the packet to the central processor for further processing (thus, a filtering function) [col. 3, lines 38-47]. Thus, each packet forwarding engine is interpreted as performing its own deep packet processing (filtering function); the ability for packet forwarding engines to inspect packet headers necessarily requires an associated memory for buffering/queuing and processing]**;

d) an arbitrator for assigning an ascending frame sequence number to each frame and for forwarding each frame to one of the core engines for deep-packet processing **[Fig. 1, ASIC 11 determines exit path selection for all packets that enter processing block 101 (what Packet**

Forwarding Engine 13 to send to) and inserts a sequence number on each packet, col. 3, lines 24-29];

e) an output buffer for collecting each frame as it is processed by a core engine, said buffer having a buffer capacity of at least twice the size of the largest frame size comprising a portion of the Data Moving Unit **[Fig. 1, reorder queues 105, 106, and 107 combine the payload with the header information, col. 6, lines 1-4]**; and

f) a sequencer for forwarding processed frames from the output buffer to their destination in the same order as they are received by the input buffer **[Fig. 1, packet ordering block 108 examines reorder queues 105, 106, and 107 for sequence numbers and sends the packets out in the original order, col. 6, lines 1-20]**.

Brewer et al. does not specifically disclose input and output buffers having a buffer capacity at least twice the size of the largest frame to be processed. However, Dockser discloses a packet FIFO that makes more effective use of a packet-data channel **[col. 1, lines 8-10]**. Greater-than-one-maximum-sized-packet capacity buffers reduce packet latencies **[col. 2, lines 39-58]**. Dockser discloses FIFOs, which are at least twice the maximum-sized frame length **[col. 3, lines 38-43; col. 4, lines 6-17]**. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the input queues of Brewer et al. to have a capacity of at least twice the largest frame received because such a double/triple/quadruple-sized buffer increases speed and efficiency **[col. 3, lines 5-7]** and makes better use of a packet-data channel **[col.3, lines 40-43]**.

4. With regard to claim 22, Brewer et al. discloses a method of transmitting multiple data frames to deep packet processing functions in a given sequence, performing the deep packet processing *of data in* the frames **[frame data is interpreted as any data in the frame whether in the frame header or the frame payload]** and forwarding the processed frames to their destination in the same given sequence, comprising the steps of:

a) receiving frames into an input buffer that is incorporated into a Data Moving Unit, said buffer having a buffer capacity of at least twice the size of the largest frame size to be processed **[Packet Forwarding Engines 13 inspect the packet headers and performs a filtering function on the packets by destination, whether local or external, col. 3, lines 38-47; Packet Forwarding Engine 13 handles either 2 less-than-200 byte inputs from queues 102 or 1 greater-than-200 byte input from queue 103, col. 4, lines 14-18, and col. 4, line 45 to col. 5, line 14]**;

b) determining the type of deep packet processing operation to be performed on each frame, using a Frame Header Processing Unit **[Packet Forwarding Engines 13 inspect the packet headers and performs a filtering function on the packets by destination, whether local or external, col. 3, lines 38-47; the ability for packet forwarding engines to inspect packet headers necessarily requires an associated memory for buffering/queuing and processing]**;

c) assigning each frame to one of a plurality of processing core engines, based upon the processing operation to be conducted on the frame *data*, each frame being stored in a memory associated with a core engine until the engine is free to perform the processing operation on the frame; d) performing at least one deep-packet processing operation on the data in each frame

[Fig. 1, ASIC 11 determines exit path selection for all packets that enter processing block 101 (what Packet Forwarding Engine 13 to send to) and inserts a sequence number on each packet, col. 3, lines 24-29; Packet Forwarding Engines 13 inspect the packet headers and performs a filtering function on the packets by destination, whether local or external, col. 3, lines 38-47; after Packet Forwarding Engines 13-0 through 13-3 inspect the packet headers, they can also determine if the packet is intended as a local destination within the router and, accordingly, send the packet to the central processor for further processing (thus, a filtering function) [col. 3, lines 38-47]. Thus, each packet forwarding engine is interpreted as performing its own deep packet processing (filtering function)];

e) collecting the processed frames in an output buffer that is incorporated into a Data Moving Unit, said buffer having a buffer capacity of at least twice the size of the largest frame size to be processed **[Fig. 1, reorder queues 105, 106, and 107 combine the payload with the header information, col. 6, lines 1-4]**; and

f) sequencing and forwarding processed frames to their destination in the same order as received into the input buffer **[Fig. 1, packet ordering block 108 examines reorder queues 105, 106, and 107 for sequence numbers and sends the packets out in the original order, col. 6, lines 1-20]**.

Brewer et al. does not specifically disclose that input and output buffers having a buffer capacity at least twice the size of the largest frame to be processed. However, Dockser discloses a packet FIFO that makes more effective use of a packet-data channel **[col. 1, lines 8-10]**. Greater-than-one-maximum-sized-packet capacity buffers reduce packet latencies **[col. 2, lines 39-58]**.

Dockser discloses FIFOs, which are at least twice the maximum-sized frame length **[col. 3, lines 38-43; col. 4, lines 6-17]**. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the input queues of Brewer et al. to have a capacity of at least twice the largest frame received because such a double/triple/quadruple-sized buffer increases speed and efficiency **[col. 3, lines 5-7]** and makes better use of a packet-data channel **[col.3, lines 40-43]**.

Response to Arguments

5. Applicant's arguments filed January 5, 2006 have been fully considered but they are not persuasive.

6. Applicants argue that Brewer et al. does not perform "deep packet processing" by going beyond the frame header **[Applicant's Amendment dated January 5, 2007, page 5, paragraph 2]**. Additionally, Applicants argue that the packet forwarding engine of Brewer et al. is equivalent to applicant's frame header processing unit and, therefore, does not perform deep-packet processing **[Applicant's Amendment dated January 5, 2007, page 5, paragraph 3 to page 6, paragraph 1]**. Applicants further argue that the amended claims clearly distinguish the claimed invention from Brewer et al. **[Applicant's Amendment dated January 5, 2007, page 7, paragraph 4 to page 8, paragraph 1]**. The examiner respectfully disagrees.

7. The filtering function is interpreted by the examiner as a deep packet process. This deep packet process—the filtering function—is *specifically* disclosed in Applicant's specification *as a deep packet process* **["...deep-packet processing functions, such as...filtering...[are performed]", (page 1, lines 15-16), "...after processing the frame header and determining what operation needs to be performed...[i.e., filtering]", (page 5, lines 2-4)]**.

8. Applicants argue that Brewer et al. performs deep packet processing on only the frame header and not the frame payload **[Applicant's Amendment dated January 5, 2007, page 5, paragraphs 2-3; *See also* amended Claims 21 and 22]**. **The examiner agrees**.

9. However, the examiner disagrees with Applicant's conclusion that performing packet processing on the data in a frame (as amended) means that it is performing the deep packet processing on *only the payload.* It is not enough to claim that the processing is performed on the data in the frames. The frame header contains data as well **[as rejected in claims 21 and 22 above]**. It should be clear from the claim language that a frame is split into two portions: a header portion and a payload portion. Additionally, the claims must affirmatively claim that the deep packet processing is performed on *only the payload* (or non-header) portion of each frame. **The examiner recommends such claim limitations in order to distinguish from the combination of Brewer et al. and Dockser.**

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., not

performing deep packet processing on the frame header; performing deep packet processing on only the payload/non-header) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In the alternative, all frame data must *necessarily* be contained in either the frame header or the frame payload (payload is one of the conventions used by those skilled in the art).

11. Applicants argue that Brewer et al. does not disclose, teach, or suggest that the frames are forwarded in the same sequence that they were received **[Applicant's Amendment dated January 5, 2007, page 6, paragraphs 3 to page 7, paragraph 2]**. The examiner respectfully disagrees.

12. In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies [i.e., or an output which uses only strict ordering (or *not* using exception packets)] are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13. Furthermore, with respect to independent claims 21 and 22, the examiner does not interpret the claimed "given sequence" as affirmatively using only strict ordering (or *not* using exception packets) relative to the disclosure of Brewer et al. Having the *potential* to use an exception

packet (in Brewer et al.) does not mean that an exception packet has been (or will be) generated (and, therefore, that the sequence *must be* different). Specifically, the examiner has not interpreted Brewer et al. as being precluded from maintaining *the same sequence* that is first input into the input buffer as is output from the output buffer.

14. Applicants argue that Brewer et al. does not disclose a memory associated with the core engines and that the combination of Brewer et al. and Dockser is improper **[Applicant's Amendment dated January 5, 2007, page 8, paragraphs 2 to page 9, paragraph 3]**.

15. First, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

16. In this case **[as noted above for the rejections of claims 21 and 22]**, Brewer et al. does not specifically disclose that input and output buffers having a buffer capacity at least twice the size of the largest frame to be processed. Brewer et al. discloses the use of both input and output queues. Moreover, it is well-known in the art to use a queuing/buffering system for receipt and transmission of packets/frames [end/receiving devices; routers; switches; etc.]. The

queuing/buffering system disclosed in Dockser is a packet FIFO that makes more effective use of a packet-data channel **[col. 1, lines 8-10]**. Greater-than-one-maximum-sized-packet capacity buffers reduce packet latencies **[col. 2, lines 39-58]**. Dockser discloses FIFOs, which are at least twice the maximum-sized frame length **[col. 3, lines 38-43; col. 4, lines 6-17]**. *Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the input queues of Brewer et al. to have a capacity of at least twice the largest frame received because such a double/triple/quadruple-sized buffer increases speed and efficiency* **[col. 3, lines 5-7]** *and makes better use of a packet-data channel* **[col. 3, lines 40-43]**.

17. Second, As noted above in the rejections of claims 21 and 22, Brewer et al. discloses that Packet Forwarding Engines 13 inspect the packet headers and performs a filtering function on the packets by destination, whether local or external **[col. 3, lines 38-47]**. After Packet Forwarding Engines 13-0 through 13-3 inspect the packet headers, they can also determine if the packet is intended as a local destination within the router and, accordingly, send the packet to the central processor for further processing (filtering function) **[col. 3, lines 38-47]**. Thus, each packet forwarding engine is interpreted as performing its own deep packet processing (filtering function). Moreover, the ability for packet forwarding engines to inspect packet headers *necessarily* requires an associated memory for buffering/queuing and processing.

Conclusion

18. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is 572-272-3138. The examiner can normally be reached on M-Th 5am-4pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAM

March 4, 2007

Seema S. Rao
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